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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECURITY PEOPLE, INC.,
Plaintiff,

v.

MICHELLE K. LEE, in her capacity as
Director of the United States Patent and
Trademark Office, the UNITED STATES
PATENT AND TRADEMARK OFFICE, and
OJMAR US, LLC,

Defendants.

No. 3:15-cv-03172-HSG

DEFENDANTS' STATEMENT OF RECENT
DECISION

Defendants Michelle K. Lee and the United States Patent and Trademark Office, both sued in their official capacity ("Federal Defendants"), and Defendant Ojmar US, LLC, through their respective undersigned counsel, jointly notify the Court of the following supplemental authority:

- On December 2, 2015, the Federal Circuit issued its decision in *MCM Portfolio, LLC v. Hewlett-Packard Co.*, No. 2015-1091 ("*MCM Portfolio*") concluding, *inter alia*, that "a patent owner cannot appeal the Board's decision to institute *inter partes* review," *MCM Portfolio*, Mem. Op. at 7 (Ex. A), that "the *inter partes* review provisions do not violate Article III" and that "the Seventh Amendment

poses no barrier to agency adjudication without a jury.” *MCM Portfolio*, Mem. Op. at 13, 16; *see also id.* at 1 (“On the merits, we reject [plaintiff’s] argument that inter partes review violates Article III and the Seventh Amendment.”).

DATED: December 7, 2015

Respectfully submitted,

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ATTESTATION

Pursuant to Local Rule 5-l(i)(3), I attest that I am the ECF user whose user ID and password are being used in the electronic filing of this document, and further attest that I have obtained concurrence in the filing of the document from the other signatories.

/s/ Matthew J.B. Lawrence